



~~October 15, 2002 CPC~~
~~December 17, 2002 CPC~~
February 18, 2003 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0109

RMD Land, L.C. and RMCRK Land, L.C.

Bermuda Magisterial District
West line of Ruffin Mill Road

REQUEST: Amend Conditional Use Planned Development (Case 85S121) relative to screening and setbacks.

PROPOSED LAND USE:

Light and general industrial uses are planned.

RECOMMENDATION

The original conditions of zoning were negotiated with area property owners. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the Proffered Condition would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

PROFFERED CONDITION

Adjacent to GPIN 808-638-7283 and 808-639-7909, a minimum twenty-five (25) foot setback shall be maintained for all driveways, parking areas and buildings. Within this setback, measures shall be employed which may include, but not necessarily limited to, changes in topographical features, landscaping or site design to mitigate the impact on the identified parcels. This requirement shall not be applicable once stated adjacent parcel(s) are zoned for industrial use. (Note: This condition supercedes Condition 4 of Case 85S121). (P)

(Staff Note: With approval of this request, Condition 4 is superseded and Condition 2 is deleted in Case 85S121 for the request property only.)

GENERAL INFORMATION

Location:

West line of Ruffin Mill Road, north of Ruffin Mill Circle. Tax IDs 807-638-8509, 808-638-1566 and 808-639-3226 (Sheet 35).

Existing Zoning:

I-1 with Conditional Use Planned Development

Size:

45.7 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-12; Vacant

South - I-1 with Conditional Use Planned Development; Industrial or vacant

East - A, R-15 and I-2; Single family residential, general industrial or vacant

West - I-1 with Conditional Use Planned Development; Light and general industrial

UTILITIES; ENVIRONMENTAL AND PUBLIC FACILITIES

This request will have no impact on these facilities.

LAND USE

Comprehensive Plan:

The Consolidated Eastern Area Plan suggests the request property and surrounding area is appropriate for light industrial use.

Area Development Trends:

Adjacent property to the north is zoned Residential (R-12) and is vacant. Properties to the south and west are zoned Light Industrial (I-1) and Light Industrial (I-1) with Conditional Use Planned Development and are occupied by light or general industrial uses or are vacant.

Adjacent properties to the east are zoned Agricultural (A), Residential (R-15) and General Industrial (I-2) and are occupied by single family residential uses, general industrial uses or are vacant. It is anticipated that light industrial uses will continue to be developed in the area in accordance with the Plan.

Zoning History:

On October 8, 1980, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved rezoning of the request property and adjacent property to the south from Residential (R-12) to Light Industrial (M-1). (Case 80S111)

On September 25, 1985, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a Conditional Use Planned Development with use exceptions to permit all General Industrial (M-2) uses, except sanitary sewage treatment plants, plus a meat products processing and manufacturing plant (a Heavy Industrial (M-3) use) and setback exceptions (Case 85S121) on the request property and adjacent property to the south. Conditions were imposed relative to a Master Plan, paving, right of way dedication, limited access onto Ruffin Mill Road, architectural treatment, setbacks from adjacent agricultural property and screening. Subsequently, in 1986, an amendment to the Conditional Use Planned Development was approved on a portion of the request property and adjacent property to the south to permit residential dwellings to house employees of the industrial uses located on the adjacent property to the south (Case 86S075). Those dwellings were constructed; however, have now been removed.

Current Proposal:

As noted herein, with the approval of Conditional Use Planned Development (85S121), conditions were negotiated with adjacent property owners which required certain setbacks and screening to insure land use transition between the proposed industrial uses and existing and anticipated residential development to the north and east of the request property.

The applicants are proposing to delete Condition 2 of Case 85S121, which requires all loading and outside storage areas to be screened from view of public roads in accordance with a screening plan approved by the Planning Department. Thus, development of the site will be subject to current Ordinance standards relative to screening of loading and outside storage areas. Verbally, the applicant has indicated an intent to seek a development standards waiver through a future application.

The applicants are also requesting to delete Condition 4 of Case 85S121, relative to setbacks and screening for buildings and parking to benefit from reduced setback requirements allowed by the current Ordinance along lot boundaries which are now adjacent to industrially- zoned properties. In addition, deletion of Condition 4 would eliminate the requirement for a 100 foot setback adjacent to two (2) parcels east of the request property which are zoned Agricultural (A) and are occupied by single family dwellings. The applicants are proposing to provide a twenty-five (25) foot setback from these two (2)

parcels. In order to mitigate the impact of the reduced setback, the applicants have proffered that screening will be provided within this setback which will include, although not exclusively, changes in topographical features, landscaping, or site design (Proffered Condition). The Proffered Condition also provides that at such time that these adjacent properties are rezoned for industrial use, the twenty-five (25) foot setback and screening will no longer be required. (Proffered Condition)

Site Design:

The request property lies within an Emerging Growth District Area. The Zoning Ordinance specifically addresses access, parking, landscaping, setbacks, signs, buffers, utilities, architectural treatment and screening. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the request property will be subject to the requirements of the Emerging Growth District Area, except as otherwise established for setbacks as discussed herein.

Setbacks and Screening:

Since the original zoning and subsequent Conditional Use Planned Development, adjacent properties to the west have been rezoned to permit Light Industrial (I-1) and General Industrial (I-2) uses. The majority of the adjacent property to the east has also been rezoned to permit General Industrial (I-2) uses. The Ordinance permits a reduction in setback requirements where Light Industrial (I-1) properties are adjacent to other industrial properties. With the approval of this request, the applicant is proposing to meet the setbacks as required by the Ordinance rather than those imposed with Case 85S121, except that the applicant is proposing a twenty-five (25) foot setback adjacent to the properties, identified as Tax IDs 808-638-7283 and 808-639-7909, which have remained in an Agricultural (A) District. Condition 4 of Case 85S121 established a 100 foot setback adjacent to these parcels. Likewise, the current Ordinance would require a 100 foot setback adjacent to these parcels rather than the twenty-five (25) foot setback proposed by the applicant. In order to mitigate potential impact of the reduced setback adjacent to these parcels, the applicants have proffered that measures will be employed to mitigate the impact of uses on the request property. It is anticipated that these adjacent Agricultural (A) properties will be developed in the future for industrial uses as suggested by the Plan.

Should Condition 2 be deleted, screening of loading areas will be regulated by current Ordinance Standards. Again, the applicant has indicated an intent to seek a development standards waiver to these requirements in the future.

CONCLUSIONS

The original conditions of zoning were negotiated with area property owners. A majority of the property surrounding the request property was already zoned or designated in the Plan to permit single family residential uses. Currently, properties surrounding the request property are designated in the Plan for industrial use, and the majority of the property east of the request site has been zoned

to permit general industrial uses. After consideration of public input, should the Commission and Board wish to approve this amendment, acceptance of the proffered condition would be appropriate.

CASE HISTORY

Applicants, Staff, Bermuda District Commissioner and Adjacent Property Owners (10/10/02):

An on-site meeting was held to discuss the applicants' plans for development and citizens concerns. Concerns were expressed relative to grading and clearing on adjacent property and proposed screening. The applicants indicated property boundaries would be resurveyed and that a meeting would be held with the adjacent property owners to discuss the results and proposed screening.

Planning Commission Meeting (10/15/02):

At the applicants' request, the Commission deferred this case to December 17, 2002.

Staff (10/16/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's December 17, 2002, public hearing.

Staff (11/22/02):

To date, no new information has been received.

Planning Commission Meeting (12/17/02):

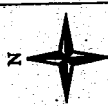
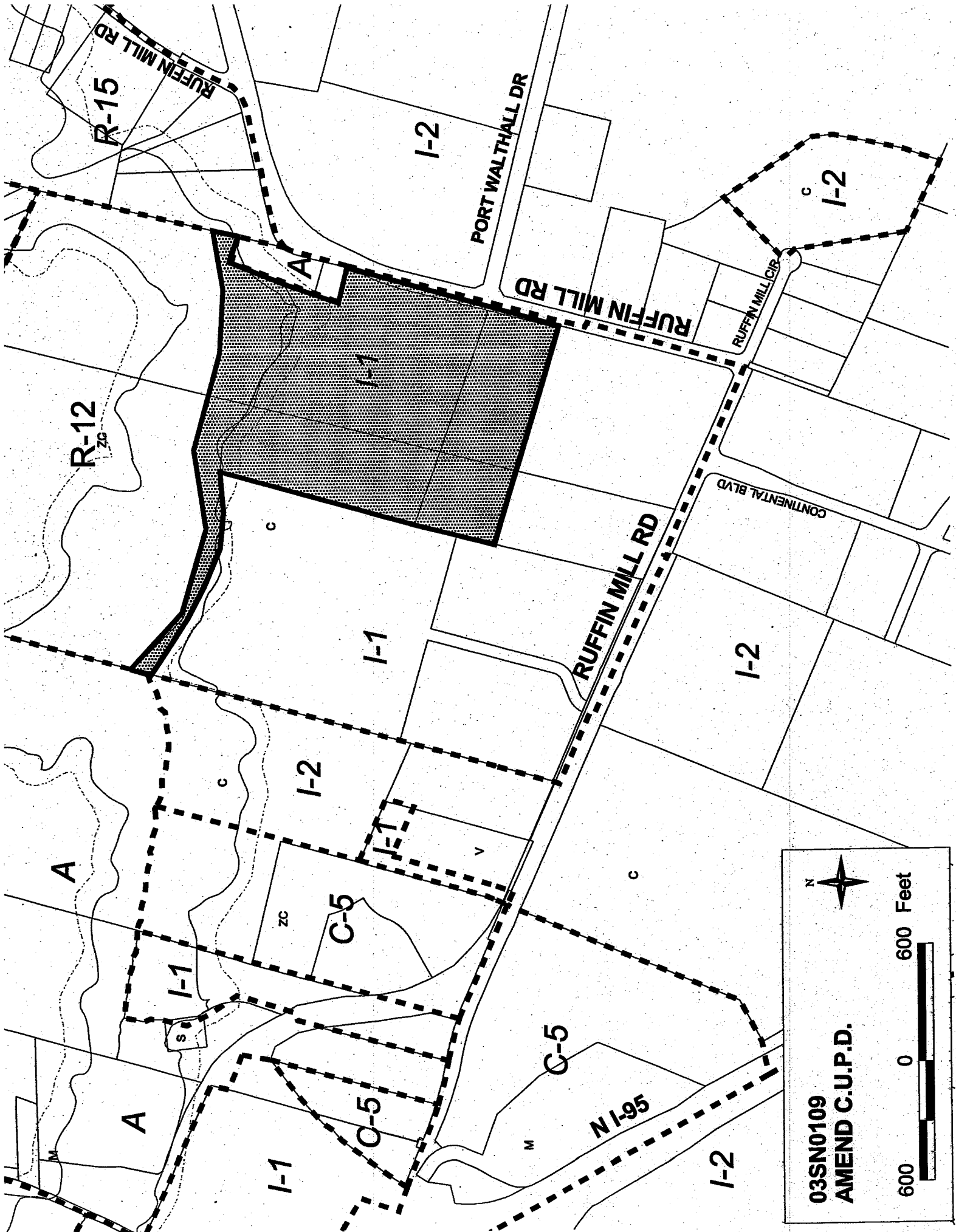
At the applicants' request, the Commission deferred this case to their February 18, 2003, meeting.

Staff (12/18/02):

The applicants were advised in writing that any significant new or revised information should be submitted no later than December 23, 2002, for consideration at the Commission's February 18, 2003, public hearing.

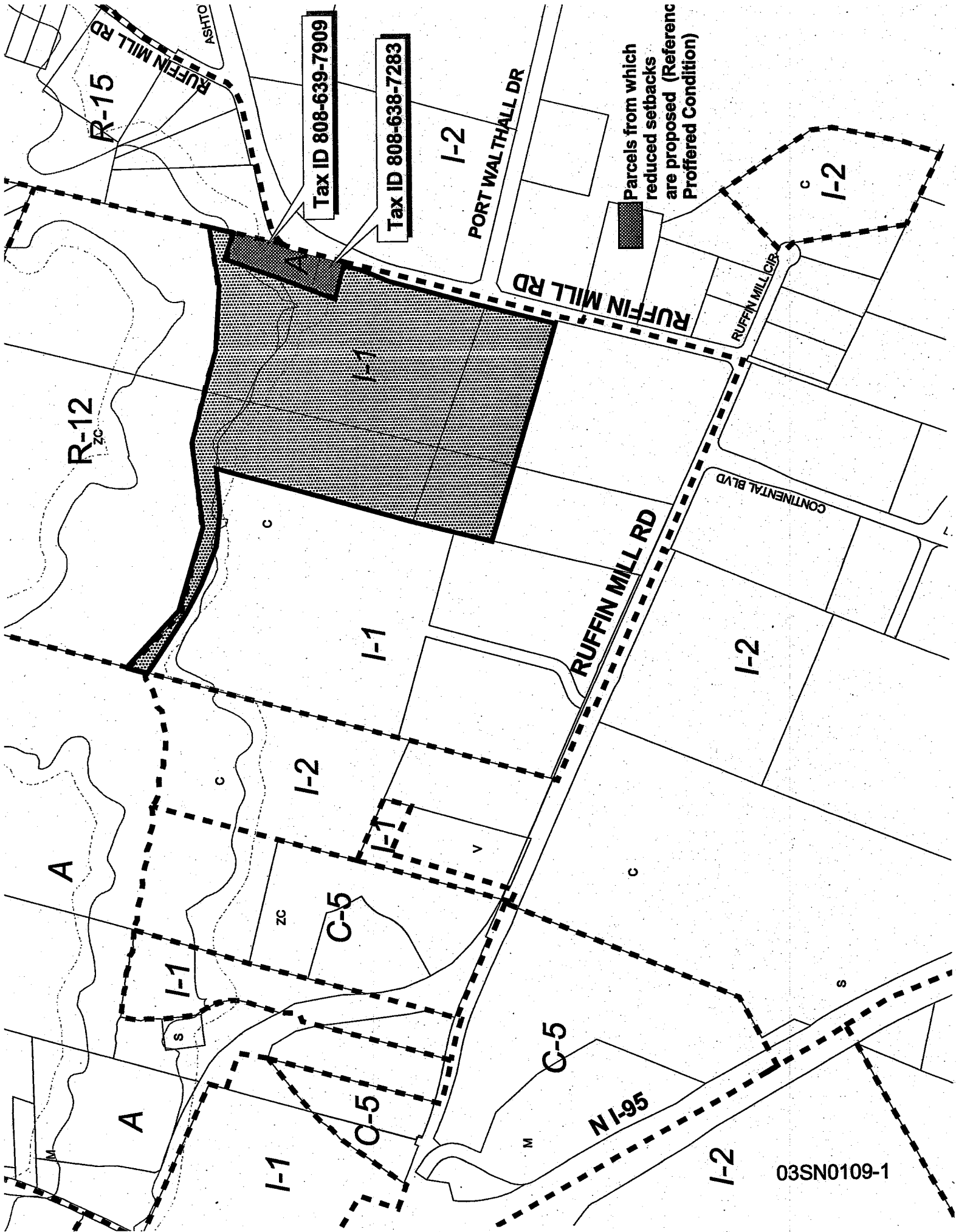
Staff (1/27/03):

To date, no new or revised information has been submitted.



03SN0109
AMEND C.U.P.D.





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